

Introduced by Senators Escutia and Morrow

February 22, 2005

An act to add Chapter 4.3 (commencing with Section 25330) to Division 15 of the Public Resources Code, relating to electricity transmission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1059, as amended, Escutia. Electric transmission corridors.

(1) Existing law requires the State Energy Resources Conservation and Development Commission to adopt a strategic plan for the state's electric transmission grid using existing resources. Existing law requires that the plan identify and recommend actions required to implement investments needed to ensure reliability, relieve congestion, and to meet future growth in load and generation, including, but not limited to, renewable resources, energy efficiency, and other demand reduction measures.

This bill would authorize the commission to designate a transmission corridor *zone* on its own motion or ~~on petition by any application of a~~ person who plans to construct ~~an~~ a high-voltage electric transmission line within the state. The bill would provide that the designation of a transmission corridor shall serve to identify a feasible corridor in which can be built a future transmission line that is consistent with the state's needs and objectives as set forth in the strategic plan adopted by the commission.

The bill would ~~specify the procedure~~ *prescribe procedures* for the designation of a transmission corridor that would include:

~~(1)~~

(a) Publication of the request for designation and request for comments.

(2)

(b) Coordination with federal agencies and *California* Native American governments.

(3)

(c) Informational and adjudicatory hearings.

(4)

(d) Requirements for a proposed decision.

The bill would require each city~~ane~~ and county in which a designated corridor is located to take all actions necessary to integrate the designated *transmission*corridor zone in their respective~~land use~~ *general and specific* plans~~and ordinances~~, thereby creating a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. The Legislature finds and declares all of the~~
2 ~~following:~~

3 *SECTION 1. The Legislature finds and declares all of the*
4 *following:*

5 *(a) California currently lacks an integrated, statewide*
6 *approach to electric transmission planning and permitting that*
7 *addresses the state's critical energy and environmental policy*
8 *goals and allows electric transmission projects to move*
9 *seamlessly from the planning phase into the permitting phase for*
10 *timely approval and construction of needed electric transmission*
11 *lines.*

12 *(b) Planning for and establishing a high-voltage electric*
13 *transmission system to accommodate the development of*
14 *renewable resources within the state, facilitate bulk power*
15 *transactions, ensure access to out-of-state regions that have*

1 *surplus power available, and reliably and efficiently supply*
2 *existing and projected load growth is vital to the future economic*
3 *and social well-being of California.*

4 *(c) The construction of new high-voltage electric transmission*
5 *lines within new or existing corridors has become increasingly*
6 *difficult and may impose financial hardships and adverse*
7 *environmental impacts on the state and its residents. It is in the*
8 *interest of the state, therefore, through the electricity*
9 *transmission planning process, to accomplish all of the*
10 *following:*

11 *(1) Identify the long-term needs for electric transmission*
12 *corridor zones within the state.*

13 *(2) Work with stakeholders, appropriate federal, state, and*
14 *local agencies, and the public to study transmission corridor*
15 *zone alternatives and designate appropriate corridor zones for*
16 *future use to ensure reliable and efficient delivery of electricity*
17 *for California's residents.*

18 *(3) Integrate transmission corridor zone planning at the state*
19 *level with local planning so that designated corridor zones are*
20 *reflected in local general and specific plans.*

21 *(d) Orderly planning and development of needed high-voltage*
22 *electric transmission lines through the designation of*
23 *transmission corridor zones is an issue of statewide concern.*

24 *SEC. 2. Chapter 4.3 (commencing with Section 25330) is*
25 *added to Division 15 of the Public Resources Code, to read:*

26
27 *CHAPTER 4.3. DESIGNATION OF TRANSMISSION*
28 *CORRIDORS*
29

30 *25330. For purposes of this chapter, the following terms have*
31 *the following meanings:*

32 *(a) "Feasible" has the same meaning as in Section 21061.1.*

33 *(b) "High-voltage electric transmission line" means an*
34 *electric transmission line with an operating capacity of at least*
35 *200 kilovolts.*

36 *(c) "Transmission corridor zone" means the geographic area*
37 *necessary to accommodate the construction and operation of one*
38 *or more high-voltage electric transmission lines, consistent with*
39 *existing adjacent land uses.*

1 25331. (a) *The commission may designate a transmission*
2 *corridor zone on its own motion or by application of a person*
3 *who plans to construct a high-voltage electric transmission line*
4 *within the state. The designation of a transmission corridor zone*
5 *shall serve to identify a feasible corridor in which can be built a*
6 *future high-voltage electric transmission line that is consistent*
7 *with the state's needs and objectives as set forth in the strategic*
8 *plan adopted pursuant to Section 25324. A designated*
9 *transmission corridor zone shall be protective of the environment*
10 *and, to the extent feasible, consistent with local general and*
11 *specific plans that integrate the electric transmission needs of the*
12 *state, and wide enough to allow for alternative routes to be*
13 *considered where feasible.*

14 (b) *A person planning to construct a high-voltage electric*
15 *transmission line may submit to the commission an application to*
16 *designate a proposed transmission corridor zone as being*
17 *consistent with the strategic plan adopted pursuant to Section*
18 *25324. The application shall be in the form prescribed by the*
19 *commission and shall be supported by such information as the*
20 *commission may require.*

21 (c) *The commission shall be the lead agency as provided in*
22 *Section 21165 for all transmission corridor zones proposed for*
23 *designation pursuant to this chapter. Unless the commission's*
24 *regulatory program governing the designation of transmission*
25 *corridor zones is certified by the Secretary of the Resources*
26 *Agency pursuant to Section 21080.5, the commission shall*
27 *prepare an environmental impact report within one year of*
28 *receipt of an application for designation or, if the designation is*
29 *on the motion of the commission, within the proceeding for a*
30 *relevant integrated energy policy report prepared pursuant to*
31 *Chapter 4 (commencing with Section 25300). The environmental*
32 *impact report prepared by the commission shall serve as a*
33 *programmatic environmental impact report for all cities and*
34 *counties that must amend their general or specific plans to*
35 *identify a transmission corridor zone designated pursuant to this*
36 *chapter.*

37 25332. (a) *A transmission corridor zone designated as being*
38 *consistent with the strategic plan adopted pursuant to Section*
39 *25324 shall be so identified in subsequent strategic plans and its*

1 *designation reviewed at least every six years in the planning*
2 *process for the strategic plan.*

3 *(b) If, upon review, the commission finds a transmission*
4 *corridor zone is no longer needed, the designation of that*
5 *transmission corridor zone shall expire and the commission shall*
6 *notify affected cities, counties, and state and federal agencies.*

7 *(c) All subsequent state or local proceedings in which a*
8 *person seeks approval to build a transmission line within a*
9 *designated transmission corridor zone shall use the*
10 *environmental impact report prepared pursuant to Section 25331*
11 *to the extent that environmental impact report remains relevant*
12 *to the project under review in the determination of the reviewing*
13 *agency.*

14 *25333. (a) In developing a strategic plan pursuant to Section*
15 *25324 or considering an application for designation pursuant to*
16 *this chapter, the commission shall confer as needed, depending*
17 *on the long-term needs for and possible location of a*
18 *transmission corridor zone, with federal agencies and with*
19 *California Native American tribal governments to identify*
20 *appropriate areas within their jurisdictions that may be suitable*
21 *for a transmission corridor zone. The commission shall, to the*
22 *extent feasible, coordinate efforts to identify long-term*
23 *transmission needs of the state with the land use plans of federal*
24 *agencies and California Native American tribal governments.*

25 *(b) The commission shall not designate a transmission*
26 *corridor zone within the jurisdiction of a California Native*
27 *American tribal government without the approval of the*
28 *California Native American tribal government.*

29 *25334. (a) Upon receipt of an application or motion for*
30 *designation of a transmission corridor zone, the commission*
31 *shall arrange for the publication of a summary of the application*
32 *in a newspaper of general circulation in each county in which the*
33 *proposed transmission corridor zone would be located. The*
34 *commission shall transmit a copy of the application for*
35 *designation to all cities, counties, and state and federal agencies*
36 *having an interest in the proposed transmission corridor zone.*

37 *(b) The commission shall request affected cities, counties,*
38 *state and federal agencies, the Independent System Operator,*
39 *interested California Native American tribal governments, and*
40 *members of the public to provide comments on the suitability of*

1 *the proposed transmission corridor zone with respect to*
2 *environmental, public health and safety, land use, economic, and*
3 *transmission-system impacts or other factors on which they may*
4 *have expertise. Upon receiving the commission's request for*
5 *review of a proposed transmission corridor zone, a city or county*
6 *may impose a fee to cover for the actual and added costs of this*
7 *review.*

8 25335. (a) *Within 45 days of receipt of the application or*
9 *motion for designation, the commission shall commence public*
10 *informational hearings in the county or counties in which the*
11 *proposed transmission corridor zone would be located.*

12 (b) *The purpose of the hearings shall be to do all of the*
13 *following:*

14 (1) *Provide information about the proposed transmission*
15 *corridor zone so that the public and interested agencies have a*
16 *clear understanding of what is being proposed.*

17 (2) *Explain the relationship of the proposed transmission*
18 *corridor zone to the commission's strategic plan for the state's*
19 *electric transmission grid, as set forth in the most recent*
20 *integrated energy policy report adopted pursuant to Chapter 4*
21 *(commencing with Section 25300).*

22 (3) *Receive initial comments about the proposed transmission*
23 *corridor zone from the public and interested agencies.*

24 (4) *Solicit information on reasonable alternatives to the*
25 *proposed transmission corridor zone.*

26 25336. (a) *Within 155 days of the final informational*
27 *hearing, the commission shall conduct a prehearing conference*
28 *to determine the issues to be considered in adjudicatory hearings*
29 *pursuant to this section, to identify the dates for the hearings,*
30 *and to set forth filing dates for public comments and testimony*
31 *from the parties and interested agencies. Within 15 days of the*
32 *prehearing conference, the commission shall issue a hearing*
33 *order setting forth the issues to be heard, the dates of the*
34 *hearings, and the filing dates for comments and testimony.*

35 (b) *The commission shall conduct adjudicatory hearings*
36 *pursuant to the hearing order. The purpose of the hearings shall*
37 *be to receive information upon which the commission can make*
38 *findings and conclusions pursuant to Section 25337.*

39 25337. *After the conclusion of hearings conducted pursuant*
40 *to Section 25336, and no later than 90 days after completion of*

1 *the environmental impact report prepared pursuant to Section*
2 *25331, the commission shall issue a proposed decision that*
3 *contains its findings and conclusions regarding all of the*
4 *following matters:*

5 *(a) Conformity of the proposed transmission corridor zone*
6 *with the strategic plan adopted pursuant to Section 25324.*

7 *(b) Suitability of the proposed transmission corridor zone with*
8 *respect to environmental, public health and safety, land use,*
9 *economic, and transmission-system impacts.*

10 *(c) Any mitigation measures and alternatives as may be*
11 *needed to protect environmental quality, public health and*
12 *safety, the state's electric transmission grid, or any other*
13 *relevant matter.*

14 *(d) Any other factors that the commission considers relevant.*

15 *25338. (a) As soon as practicable after the receipt of an*
16 *application for designation pursuant to Section 25331, the*
17 *commission shall inform cities, counties, state and federal*
18 *agencies, and California Native American tribal governments in*
19 *whose jurisdictions the proposed transmission corridor zone*
20 *would be located about the proposed transmission corridor zone*
21 *and the objectives of the most recent strategic plan for the state's*
22 *electric transmission grid. The commission shall solicit*
23 *information from and confer with all interested cities, counties,*
24 *state and federal agencies, and California Native American*
25 *tribal governments about their land use plans, existing land uses,*
26 *and other factors in which they have expertise or interest with*
27 *respect to a proposed transmission corridor zone. Interested*
28 *cities, counties, state and federal agencies, and California Native*
29 *American tribal governments shall be afforded ample*
30 *opportunity to participate in the commission's review of a*
31 *proposed transmission corridor zone.*

32 *(b) Once the commission designates a transmission corridor*
33 *zone pursuant to Section 25332, it shall send a copy of its*
34 *decision, including a description of the transmission corridor*
35 *zone, to each affected city, county, state and federal agency.*
36 *Each city and county in which the designated transmission*
37 *corridor zone is located may otherwise permit development*
38 *within the designated transmission corridor with commission*
39 *approval in accordance with local agency policy, given full*
40 *consideration to appropriate restrictions within, and adjacent to,*

1 *the designated transmission corridor zone. Each city and county*
2 *in which the designated transmission corridor zone is located*
3 *shall integrate the designated transmission corridor zone into*
4 *their respective general and specific plans during the next*
5 *regular plan revision, but not later than five years following*
6 *receipt of the commission's decision.*

7 *SEC. 3. The Legislature finds and declares that Sections*
8 *65104 and 66014 of the Government Code provide local*
9 *agencies with authority to levy fees sufficient to pay for the*
10 *program or level of service mandated by this act.*

11 *SEC. 4. No reimbursement is required by this act pursuant to*
12 *Section 6 of Article XIII B of the California Constitution because*
13 *a local agency or school district has the authority to levy service*
14 *charges, fees, or assessments sufficient to pay for the program or*
15 *level of service mandated by this act, within the meaning of*
16 *Section 17556 of the Government Code.*

17 ~~(a) California currently lacks a systematic, statewide approach~~
18 ~~to transmission planning and permitting that addresses the state's~~
19 ~~critical energy and environmental policy goals and allows~~
20 ~~transmission projects to move seamlessly from the planning~~
21 ~~phase into the permitting phase for timely approval and~~
22 ~~construction of needed transmission lines.~~

23 ~~(b) Planning for and establishing a high-voltage electric~~
24 ~~transmission system to accommodate the development of~~
25 ~~renewable resources within the state, facilitate bulk power~~
26 ~~transactions, ensure access to out-of-state regions that have~~
27 ~~surplus power available, and reliably and efficiently supply~~
28 ~~existing and projected load growth is vital to the future economic~~
29 ~~and social well-being of California.~~

30 ~~(c) The construction of new high-voltage electric transmission~~
31 ~~lines within new or existing corridors has become increasingly~~
32 ~~difficult and may impose financial hardships and adverse~~
33 ~~environmental impacts on the state and its residents. It is in the~~
34 ~~interest of the state, therefore, through the electricity~~
35 ~~transmission planning process to accomplish all of the following:~~

36 ~~(1) Identify the long-term needs for electric transmission~~
37 ~~corridors within the state.~~

38 ~~(2) Work with stakeholders, appropriate federal, state, and~~
39 ~~local agencies, and the public to study transmission corridor~~

1 ~~alternatives and designate appropriate corridors for future use to~~
2 ~~ensure reliable and efficient electricity for California's residents.~~

3 ~~(3) Integrate transmission corridor planning at the state level~~
4 ~~with local and regional planning so that designated corridors are~~
5 ~~reflected in local and regional plans.~~

6 ~~SEC. 2. Chapter 4.3 (commencing with Section 25330) is~~
7 ~~added to Division 15 of the Public Resources Code, to read:~~

8
9 ~~CHAPTER 4.3. DESIGNATION OF TRANSMISSION CORRIDORS~~

10
11 ~~25330. (a) The commission may designate a transmission~~
12 ~~corridor on its own motion or on petition by a person who plans~~
13 ~~to construct an electric transmission line within the state. The~~
14 ~~designation of a transmission corridor shall serve to identify a~~
15 ~~feasible corridor in which can be built a future transmission line~~
16 ~~that is consistent with the state's needs and objectives as set forth~~
17 ~~in the strategic plan of Section 25324. A designated transmission~~
18 ~~corridor shall be protective of the environment to the extent~~
19 ~~feasible, consistent with local and regional land use plans that~~
20 ~~integrate the transmission needs of the state, and wide enough to~~
21 ~~allow for alternative routes to be considered where feasible.~~

22 ~~(b) A person planning to construct an electric transmission line~~
23 ~~may submit to the commission a petition to designate a proposed~~
24 ~~transmission corridor as being consistent with the strategic plan~~
25 ~~of Section 25324. The request shall be in the form prescribed by~~
26 ~~the commission and shall be supported by such information as~~
27 ~~the commission may require.~~

28 ~~(c) For purposes of this chapter, an electric transmission line~~
29 ~~refers to a proposed electric power line designed for operation at~~
30 ~~50 kilovolts or more that would be part of the state's transmission~~
31 ~~grid and would exist in a transmission corridor that is being~~
32 ~~considered for designation or has been designated pursuant to~~
33 ~~this chapter.~~

34 ~~(d) The commission shall be the lead agency as provided in~~
35 ~~Section 21165 for all corridors proposed for designation pursuant~~
36 ~~to this chapter. Unless the commission's regulatory program~~
37 ~~governing the designation of transmission corridors is certified~~
38 ~~by the Resources Agency pursuant to Section 21080.5, the~~
39 ~~commission shall prepare an environmental impact report within~~
40 ~~one year after receipt of a petition for designation or, if the~~

1 designation is on the motion of the commission, within the
2 proceeding for a relevant integrated energy policy report
3 prepared pursuant to Chapter 4 (commencing with Section
4 25300). The environmental document prepared by the
5 commission shall serve as a programmatic environmental impact
6 report for all local governmental agencies that must amend their
7 general plans to identify a designated corridor pursuant to this
8 chapter.

9 25331. A corridor designated as being consistent with the
10 strategic plan of Section 25324 shall be so identified in
11 subsequent strategic plans and its designation reassessed at least
12 every five years in the planning process for the strategic plan. All
13 subsequent proceedings in which a person seeks approval to
14 build a transmission line within a designated corridor shall utilize
15 the environmental review on the request for designation to the
16 full extent the environmental review remains relevant to the
17 project under review for a permit.

18 25332. (a) In developing a strategic plan or considering a
19 request for designation, the commission shall confer as needed,
20 depending on the long-term needs for and possible location of a
21 transmission corridor, with federal agencies and with Native
22 American governments to identify appropriate areas within their
23 jurisdiction that may be designated for one or more corridors for
24 future transmission lines. The commission shall, to the extent
25 feasible, coordinate efforts to identify long-term transmission
26 needs of the state with the land use plans of federal agencies and
27 Native American governments.

28 (b) The commission shall not designate a transmission corridor
29 over the tribal land of a Native American government without the
30 approval of the Native American government.

31 25333. (a) Upon receipt of a request for designation, the
32 commission shall arrange for the publication of a summary of the
33 request for designation in a newspaper of general circulation in
34 each county in which the proposed corridor would be located.
35 The commission shall transmit a copy of the request for
36 designation to all local, regional, state, and federal agencies
37 having an interest in the proposed corridor.

38 (b) The commission shall request appropriate local, regional,
39 state, and federal agencies, the Independent System Operator,
40 interested Native American governments, and members of the

1 public to provide comments on the suitability of the proposed
2 corridor to accommodate the construction of a transmission
3 project with respect to environmental, public health and safety,
4 land use, economic, and transmission-system impacts or other
5 factors on which they may have expertise.

6 25334. (a) Within 45 days of receipt of the request for
7 designation, the commission shall commence public
8 informational hearings in the county or counties in which the
9 proposed transmission project would be located.

10 (b) The purpose of the hearings shall be to do all of the
11 following:

12 (1) Provide information about the proposed corridor so that the
13 public and interested agencies have a clear understanding of what
14 is being proposed.

15 (2) Explain the relationship of the proposed corridor to the
16 commission's strategic plan for the state's electric transmission
17 grid, as set forth in the most recent integrated energy policy
18 report.

19 (3) Receive initial comments about the proposed corridor from
20 the public and interested agencies.

21 (4) Solicit information on reasonable alternative corridors.

22 25335. (a) Within 155 days after the final informational
23 hearing, the commission shall conduct a prehearing conference to
24 determine the issues to be considered in adjudicatory hearings
25 pursuant to this section, to identify the dates for the hearings, and
26 to set forth filing dates for public comments and testimony from
27 the parties and interested agencies. Within 15 days of the
28 prehearing conference, the commission shall issue a hearing
29 order setting forth the issues to be heard, the dates of the
30 hearings, and the filing dates for comments and testimony.

31 (b) The commission shall conduct adjudicatory hearings
32 pursuant to the hearing order. The purpose of the hearings shall
33 be to receive information upon which the commission can make
34 findings and conclusions pursuant to Section 25336.

35 25336. After the conclusion of hearings conducted pursuant
36 to Section 25335, and no later than 300 days after the receipt of
37 the request for designation, the commission shall issue a
38 proposed decision that contains all of the following:

39 (a) The findings and conclusions of the commission regarding
40 the conformity of the proposed transmission corridor with the

1 strategic plan for the state's electric transmission grid, as set forth
2 in the most recent integrated energy policy report.

3 ~~(b) The commission's findings and conclusions on the~~
4 ~~suitability of the proposed corridor with respect to~~
5 ~~environmental, public health and safety, land use, economic, and~~
6 ~~transmission-system impacts.~~

7 ~~(e) The commission's findings and conclusions on mitigation~~
8 ~~measures and alternatives as may be needed to protect~~
9 ~~environmental quality, public health and safety, the state's~~
10 ~~electric transmission grid, or any other relevant matter.~~

11 ~~(d) The commission's findings and conclusions on any other~~
12 ~~factors that the commission consider relevant as to whether the~~
13 ~~proposed corridor should be designated as being consistent with~~
14 ~~the strategic plan for the state's electric transmission grid, as set~~
15 ~~forth in the most recent integrated energy policy report prepared~~
16 ~~pursuant to Section 25324.~~

17 25337. ~~(a) As soon as practicable after the receipt of a~~
18 ~~request for designation pursuant to Section 25330, the~~
19 ~~commission shall inform local, regional, and federal agencies and~~
20 ~~Native American governments in whose jurisdictions a proposed~~
21 ~~transmission corridor would be located about the proposed~~
22 ~~corridor and the objectives of the most recent strategic plan for~~
23 ~~the state's electric transmission grid. The commission shall~~
24 ~~solicit information from and confer with all interested agencies~~
25 ~~and Native American governments about their land use plans,~~
26 ~~existing land uses, and other factors in which they have expertise~~
27 ~~or interest with respect to a proposed transmission corridor.~~
28 ~~Interested agencies and Native American governments shall be~~
29 ~~afforded ample opportunity to participate in the commission's~~
30 ~~review of a request for designation.~~

31 ~~(b) After the commission designates a transmission corridor~~
32 ~~pursuant to Section 25331, it shall so notify the affected agencies~~
33 ~~and shall send each one a copy of the commission's decision.~~
34 ~~Each city and county in which the designated corridor is located~~
35 ~~shall take all actions necessary to integrate the designated~~
36 ~~corridor in their respective land use plans and ordinances, so that~~
37 ~~local and regional land use plans will also designate transmission~~
38 ~~corridors that the commission has designated as being consistent~~
39 ~~with the strategic plan for the state's electric transmission grid.~~

1 ~~SEC. 3.—If the Commission on State Mandates determines that~~
2 ~~this act contains costs mandated by the state, reimbursement to~~
3 ~~local agencies and school districts for those costs shall be made~~
4 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
5 ~~4 of Title 2 of the Government Code.~~

O